

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

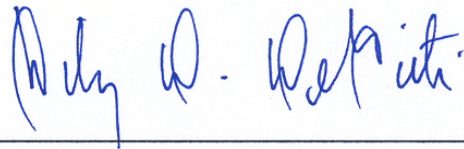
JERRY HATHCOCK	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-06-975-D
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of the Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER AWARDING ATTORNEY FEES**

Upon consideration of Plaintiff's Attorney's Motion for Attorney Fees Under 42 U.S.C. §406(b) [Doc. No. 25], in light of *Wrenn ex rel. Wrenn v. Astrue*, 525 F.3d 931 (10th Cir. 2008), the Court finds that Plaintiff's attorneys may recover a reasonable fee for the representation of Plaintiff in this case up to the statutory limit of 25% of past-due benefits, provided the attorneys refund to Plaintiff the sum of \$4,993.20, which was previously awarded under the Equal Access to Justice Act (EAJA). *See* Order 7/9/07 [Doc. No. 24]. The Court has examined the contingent-fee agreement between Plaintiff and his attorneys, the attorneys' time records, and other materials submitted in support of the Motion. The time records show legal work of 28.6 hours performed by counsel and 4.8 hours performed by paralegals in this case. The action resulted in a favorable judicial decision, that is, a remand for further administrative action. After remand, Plaintiff was determined to be entitled to benefits and was awarded a past-due amount of \$30,112.00. Thus, counsel's request for approval of an award of attorney fees in the amount of \$7,125.00 is not more than 25% of claimant's past-due benefits obtained by reason of this Court's previous judgment. The Court further finds the amount requested is reasonable and should be approved.

IT IS THEREFORE ORDERED that the Motion is GRANTED. The Court approves an award of attorney fees in the amount of \$7,125.00 pursuant to 42 U.S.C. § 406(b) to Plaintiff's attorneys, Gayle L. Troutman and Darren Todd Rackey of the firm Troutman & Troutman, P.C. Upon receipt of this award, the attorneys shall promptly refund to Plaintiff the amount of EAJA fees previously awarded, or \$4,993.20.

IT IS SO ORDERED this 19<sup>th</sup> day of August, 2008.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE